



State of Utah

Department of  
Environmental Quality

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DIVISION OF AIR QUALITY  
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DAQ-041-08

**MEMORANDUM**

**TO:** Air Quality Board

**THROUGH:** M. Cheryl Heying, Executive Secretary

**FROM:** Colleen Delaney, Environmental Scientist

**DATE:** May 28, 2008

**SUBJECT:** PROPOSE FOR PUBLIC COMMENT: Amend R307-250. Western Backstop Sulfur Dioxide Trading Program.

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In 2003 the Air Quality Board adopted R307-250 to establish the requirements of a backstop trading program for sulfur dioxide (SO<sub>2</sub>) as part of Utah's Regional Haze State Implementation Plan (SIP). The rule and SIP were submitted to EPA in 2003. EPA raised a number of issues during their review of the submittal. In response to the issues raised by EPA, staff has asked the Air Quality Board to propose revisions to the SIP in a separate action. The following changes to R307-250 are proposed to address EPA's comments and the proposed SIP revisions.

1. Financial Penalties. When the backstop trading program was developed by the Western Regional Air Partnership (WRAP), the SO<sub>2</sub> milestones were designed to require most of the regional emission reductions in the year 2018. It was very important that this milestone be met, and so the WRAP agreed to an automatic penalty of \$5,000/ton of excess emissions. However, Utah, like most states, has authority to seek this penalty, but if a source challenges the penalty then the actual amount of the penalty would be established by the Court.

EPA was not satisfied with Utah's SIP provision that required the executive secretary to seek a penalty of \$5,000/ton. After lengthy discussions between EPA and the participating states, EPA drafted revised language that would allow a source to use a streamlined settlement approach where the source would agree to pay a \$5,000/ton penalty for excess emissions. If the source does not choose to use this streamlined approach, the executive secretary will seek the maximum penalties available under Utah statute.

The \$5,000/ton penalty had been negotiated through a consensus-based stakeholder, and this

revised language, while not Utah's preferred approach is consistent with the stakeholder agreement and will satisfy EPA's concerns.

The financial penalty had previously been required for excess emissions in all years of the trading program, but this is no longer required by the regional haze rule. Therefore, the financial penalty is now limited to the year 2018, while an allowance penalty will be required for excess emission in other years of the program. UDAQ expects that the milestones will be met and that this penalty will never be applied.

2. **Special Reserve Compliance Accounts.** The rule has been revised to clarify how allowances that were allocated for sources without CEMs will be used to determine compliance. These allowances may not be traded, but may be used to show compliance.
3. **Clarifications and Corrected Citations.** EPA identified a number of provisions that needed clarification or that had incorrect citations. These changes occur throughout the rule and do not substantively change the intent of the rule.

Staff Recommendation: DAQ staff recommends that the Board propose the attached revisions to R307-250 for public comment.

**R307. Environmental Quality, Air Quality.****R307-250. Western Backstop Sulfur Dioxide Trading Program.****R307-250-1. Purpose.**

This rule implements the Western Backstop (WEB) Sulfur Dioxide Trading Program provisions in accordance with the federal Regional Haze Rule, 40 CFR 51.309, and Section XX.E of the State Implementation Plan for Regional Haze, titled "Sulfur Dioxide Milestones and Backstop Trading Program," incorporated under R307-110-28.

**R307-250-2. Definitions.**

The following additional definitions apply to R307-250:

"Account Certificate of Representation" or "Certificate" means the completed and signed submission required to designate an Account Representative for a WEB source or an Account Representative for a general account. "Account Representative" means the individual who is authorized through an Account Certificate of Representation to represent owners and operators of the WEB source with regard to matters under the WEB Trading Program or, for a general account, who is authorized through an Account Certificate of Representation to represent the persons having an ownership interest in allowances in the general account with regard to matters concerning the general account.

"Actual Emissions" means total annual sulfur dioxide emissions determined in accordance with R307-250-9 or determined in accordance with the Sulfur Dioxide Milestone Inventory requirements of R307-150 for sources that are not subject to R307-250-9.

"Allocate" means to assign allowances to a WEB source in accordance with SIP Section XX.E.3.a through c.

"Allowance" means the limited authorization under the WEB Trading Program to emit one ton of sulfur dioxide during a specified control period or any control period thereafter subject to the terms and conditions for use of unused allowances as established by R307-250.

"Allowance Limitation" means the tonnage of sulfur dioxide emissions authorized by the allowances available for compliance deduction for a WEB source under R307-250-12 on the allowance transfer deadline for each control period.

"Allowance Tracking System" means the system where allowances under the WEB Trading Program are recorded, held, transferred and deducted.

"Allowance Tracking System account" means an account in the allowance tracking system established for purposes of recording, holding, transferring, and deducting allowances.

"Allowance Transfer Deadline" means the deadline established in R307-250-10(2) when allowance transfers must be submitted for recording in a WEB source's compliance account in order to demonstrate compliance for that control period.

"Compliance Account" means an account established in the allowance tracking system under R307-250-8(1) for the purpose of recording allowances that a WEB source might hold to demonstrate compliance with its allowance limitation.

1 "Compliance Certification" means a submission to the  
2 executive secretary by the Account Representative as required  
3 under R307-250-12(2) to report a WEB source's compliance or  
4 noncompliance with R307-250.

5 "Control Period" means the period beginning January 1 of each  
6 year and ending on December 31 of the same year, inclusive.

7 "Emissions Tracking Database" means the central database  
8 where sulfur dioxide emissions for WEB sources as recorded and  
9 reported in accordance with R307-250 are tracked to determine  
10 compliance with allowance limitations.

11 "Existing Source" means a stationary source that commenced  
12 operation before the Program Trigger Date.

13 "General Account" means an account established in the  
14 allowance tracking system under R307-250-8 for the purpose of  
15 recording allowances held by a person that are not to be used to  
16 show compliance with an allowance limitation.

17 "Milestone" means the maximum level of stationary source  
18 regional sulfur dioxide emissions for each year from 2003 to 2018,  
19 established according to the procedures in SIP Section XX.E.1.

20 "New WEB Source" means a WEB source that commenced operation  
21 on or after the program trigger date.

22 "New Source Set-aside" means a pool of allowances that are  
23 available for allocation to new sources in accordance with the  
24 provisions of SIP Section XX.E.3.c.

25 "Program trigger date" means the date that the executive  
26 secretary determines that the WEB Trading Program has been  
27 triggered in accordance with the provisions of SIP Section  
28 XX.E.1.c.

29 "Program trigger years" means the years shown in SIP Section  
30 XX.E.1.a, Table 3, column 3 for the applicable milestone if the  
31 WEB Trading Program is triggered as described in SIP Section  
32 XX.E.1.

33 "Retired source" means a WEB source that has received a  
34 retired source exemption as provided in R307-250-4(4).

35 "Serial number" means, when referring to allowances, the  
36 unique identification number assigned to each allowance by the  
37 Tracking Systems Administrator, in accordance with R307-250-7(2).

38 "SIP Section XX.E" means Section XX, Part E of the State  
39 Implementation Plan, titled "Sulfur Dioxide Milestones and  
40 Backstop Trading Program." SIP Section XX, Regional Haze, is  
41 incorporated by reference under R307-110-28.

42 "Special Reserve Compliance Account" means an account  
43 established in the allowance tracking system under R307-250-8(1)  
44 for the purpose of recording allowances that a WEB source might  
45 hold to demonstrate compliance with its allowance limitation for  
46 emission units that are monitored for sulfur dioxide in accordance  
47 with R307-250-9(1)(b).

48 "Sulfur Dioxide emitting unit" means any equipment that is  
49 located at a WEB source and that emits sulfur dioxide.

50 "Submit" means sent to the executive secretary or the  
51 Tracking system Administrator under the signature of the Account  
52 Representative. For purposes of determining when something is  
53 submitted, an official U.S. Postal Service postmark, or equivalent

electronic time stamp, shall establish the date of submittal.

"Ton" means 2000 pounds and any fraction of a ton equaling 1000 pounds or more shall be treated as one ton and any fraction of a ton equaling less than 1000 pounds shall be treated as zero tons.

"Tracking System Administrator" or "TSA" means the person designated by the executive secretary as the administrator of the allowance tracking system and the emission tracking database.

"WEB Source" means a stationary source that meets the applicability requirements of R307-250-4.

"WEB Trading Program" means R307-250, the Western Backstop Trading Program, triggered as a backstop in accordance with the provisions in SIP Section XX.E, if necessary, to ensure that regional sulfur dioxide emissions are reduced.

### **R307-250-3. WEB Trading Program Trigger.**

(1) Except as provided in (2) below, R307-250 shall ~~apply~~~~[become effective]~~ on the program trigger date that is established in accordance with the procedures in SIP Section XX.E.1.c.

(2) Special Penalty Provisions for the ~~[Year-]~~2018 Milestone, R307-250-13, shall ~~apply~~~~[become effective]~~ on January 1, 2018, and shall remain effective until the requirements of R307-250-13 have been met.

### **R307-250-4. WEB Trading Program Applicability.**

(1) General Applicability. R307-250 applies to any stationary source or group of stationary sources that are located on one or more contiguous or adjacent properties and that are under the control of the same person or persons under common control, belonging to the same industrial grouping, and that are described in paragraphs (a) and (b) ~~[through (c)]~~ of this subsection. A stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

~~(a) [All BART eligible sources as defined in 40 CFR 51.301 that are BART eligible due to sulfur dioxide emissions.~~

~~—(b)—~~ All stationary sources ~~[not meeting the criteria of (a)]~~ that have actual sulfur dioxide emissions of 100 tons or more per year in the program trigger years or any subsequent year. The fugitive emissions of a stationary source shall not be considered in determining whether it is subject to R307-250 unless the source belongs to one of the following categories of stationary source:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cement plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

(xxvii) Any other stationary source category, which as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act.

(b[e]) A new source that begins operation after the program trigger date and has the potential to emit 100 tons or more of sulfur dioxide per year.

(2) The executive secretary may determine on a case-by-case basis, with concurrence from the EPA Administrator, that a stationary source defined in (1)(b) above that has not previously met the applicability requirements of (1) is not subject to R307-250 if the stationary source had actual sulfur dioxide emissions of 100 tons or more in a single year and in each of the previous five years had actual sulfur dioxide emissions of less than 100 tons per year, and:

(a)(i) the emissions increase was due to a temporary emission increase that was caused by a sudden, infrequent failure of air pollution control equipment, or process equipment, or a failure to operate in a normal or usual manner, and

(ii) the stationary source has corrected the failure of air pollution equipment, process equipment, or process by the time of the executive secretary's determination; or

(b) the stationary source had to switch fuels or feedstocks on a temporary basis and as a result of an emergency situation or unique and unusual circumstances besides the cost of such fuels or feedstocks.

(3) Duration of Applicability. Except as provided for in (4) below, once a stationary source is subject to R307-250, it will remain subject to the rule every year thereafter.

(4) Retired Source Exemption.

(a) Application. Any WEB source that is permanently retired

1 shall apply for a retired source exemption. The WEB source may be  
2 considered permanently retired only if all sulfur dioxide emitting  
3 units at the source are permanently retired. The application shall  
4 contain the following information:

5 (i) identification of the WEB source, including the plant  
6 name and an appropriate identification code in a format specified  
7 by the executive secretary;

8 (ii) name of account representative;

9 (iii) description of the status of the WEB source, including  
10 the date that the WEB source was permanently retired;

11 (iv) signed certification that the WEB source is permanently  
12 retired and will comply with the requirements of R307-250-4(4);  
13 and

14 (v) verification that the WEB source has a general account  
15 where any unused allowances or future allocations will be  
16 recorded.

17 (b) Notice. The retired source exemption becomes effective  
18 when the executive secretary notifies the WEB source that the  
19 retired source exemption has been granted.

20 (c) Responsibilities of Retired Sources.

21 (i) A retired source shall be exempt from R307-250-9 and  
22 R307-250-12, except as provided below.

23 (ii) A retired source shall not emit any sulfur dioxide  
24 after the date the retired source exemption is issued.

25 (iii) A WEB source shall submit sulfur dioxide emissions  
26 reports, as required by R307-250-9, for any time period the source  
27 was operating prior to the effective date of the retired source  
28 exemption. The retired source shall be subject to the compliance  
29 provisions of R307-250-12, including the requirement to hold  
30 allowances in the source's compliance account to cover all sulfur  
31 dioxide emissions prior to the date the source was permanently  
32 retired.

33 (iv) A retired source that is still in existence but no  
34 longer emitting sulfur dioxide shall, for a period of five years  
35 from the date the records are created, retain records  
36 demonstrating that the source is permanently retired for purposes  
37 of this rule.

38 (d) Resumption of Operations.

39 (i) Before resuming operation, the retired source must  
40 submit registration materials as follows:

41 (A) If the source is required to obtain an approval order  
42 under R307-401 or an operating permit under R307-415 prior to  
43 resuming operation, then registration information as described in  
44 R307-250-6(1) and a copy of the retired source exemption must be  
45 submitted with the notice of intent under R307-401 or the  
46 operating permit application required under R307-415;

47 (B) If the source does not meet the criteria of (A), then  
48 registration information as described in R307-250-6(1) and a copy  
49 of the retired source exemption must be submitted to the executive  
50 secretary at least ninety days prior to resumption of operation.

51 (ii) The retired source exemption shall automatically expire  
52 on the day the retired source resumes operation.

53 (e) Loss of Future Allowances. A WEB source that is

1 permanently retired and that does not apply to the executive  
2 secretary for a retired source exemption within ninety days of the  
3 date that the source is permanently retired shall forfeit any  
4 unused and future allowances. The abandoned allowances shall be  
5 retired by the TSA.  
6

7 **R307-250-5. Account Representative for WEB Sources.**

8 (1) Each WEB source must identify one account representative  
9 and may also identify an alternate account representative who may  
10 act on behalf of the account representative. Any representation,  
11 action, inaction or submission by the alternate account  
12 representative will be deemed to be a representation, action,  
13 inaction or submission by the account representative.

14 (2) Identification and Certification of an account  
15 representative.

16 (a) The account representative and any alternate account  
17 representative shall be appointed by an agreement that makes the  
18 representations, actions, inactions or submissions of the account  
19 representative and any alternate binding on the owners and  
20 operators of the WEB source.

21 (b) The account representative shall submit to the executive  
22 secretary and the TSA a signed and dated certificate that contains  
23 the following elements:

24 (i) identification of the WEB source by plant name and an  
25 appropriate identification code in a format specified by the  
26 executive secretary;

27 (ii) the name, address, e-mail (if available), telephone and  
28 facsimile number of the account representative and any alternate;

29 (iii) a list of owners and operators of the WEB source;

30 (iv) information to be part of the emission tracking system  
31 database that is established in accordance with SIP Section  
32 XX.E.3.i. The specific data elements shall be as specified by the  
33 the executive secretary to be consistent with the data system  
34 structure, and may include basic facility information that may  
35 appear in other reports and notices submitted by the WEB source,  
36 such as county location, industrial classification codes, and  
37 similar general facility information.

38 (v) The following certification statement: "I certify that I  
39 was selected as the account representative or alternate account  
40 representative, as applicable, by an agreement binding on the  
41 owners and operators of the WEB source. I certify that I have all  
42 the necessary authority to carry out my duties and  
43 responsibilities under the WEB Trading Program on behalf of the  
44 owners and operators of the WEB source and that the owner and  
45 operator each shall be fully bound by my representations, actions,  
46 inactions, or submissions and by any decision or order issued to  
47 me by the executive secretary regarding the WEB Trading Program."

48 (c) Upon receipt by the executive secretary of the complete  
49 certificate, the account representative and any alternate account  
50 representative represents and, by his or her representations,  
51 actions, inactions, or submissions, legally binds each owner and  
52 operator of the WEB source in all matters pertaining to the WEB  
53 Trading Program. Each owner and operator shall be bound by any

1 decision or order issued by the executive secretary regarding the  
2 WEB Trading Program.

3 (d) No WEB allowance tracking system account shall be  
4 established for the WEB source until the TSA has received a  
5 complete Certificate. Once the account is established, all  
6 submissions concerning the account, including the deduction or  
7 transfer of allowances, shall be made by the account  
8 representative.

9 (3) Responsibilities.

10 (a) The responsibilities of the account representative  
11 include, but are not limited to, the transferring of allowances  
12 and the submission of monitoring plans, registrations,  
13 certification applications, sulfur dioxide emissions data and  
14 compliance reports as required by R307-250, and representing the  
15 source in all matters pertaining to the WEB Trading Program.

16 (b) Each submission under this program shall be signed and  
17 certified by the account representative for the WEB source. Each  
18 submission shall include the following truth and accuracy  
19 certification statement by the account representative: "I am  
20 authorized to make this submission on behalf of the owners and  
21 operators of the WEB source for which the submission is made. I  
22 certify under penalty of law that I have personally examined, and  
23 am familiar with, the statements and information submitted in this  
24 document and all its attachments. Based on my inquiry of those  
25 individuals with primary responsibility for obtaining the  
26 information, I certify that the statements and information are to  
27 the best of my knowledge and belief true, accurate, and complete.  
28 I am aware that there are significant penalties for submitting  
29 false statements and information or omitting required statements  
30 and information, including the possibility of fine or  
31 imprisonment."

32 (4) Changing the Account Representative or Owners and  
33 Operators.

34 (a) Changing the Account Representative or the alternate  
35 Account Representative. The account representative or alternate  
36 account representative may be changed at any time by sending a  
37 complete superseding certificate to the executive secretary and  
38 the TSA under R307-250-5(2). The change will be effective upon  
39 receipt of such certificate by the TSA. Notwithstanding any such  
40 change, all representations, actions, inactions, and submissions  
41 by the previous account representative or alternate prior to the  
42 time and date when the TSA receives the superseding certificate  
43 shall be binding on the new account representative and the owners  
44 and operators of the WEB source.

45 (b) Changes in Owner and Operator.

46 (i) Within thirty days of any change in the owners and  
47 operators of the WEB source, including the addition of a new owner  
48 or operator, the account representative shall submit a revised  
49 certificate amending the list of owners and operators to include  
50 such change.

51 (ii) In the event a new owner or operator of a WEB source is  
52 not included in the list of owners and operators submitted in the  
53 certificate, such new owner or operator shall be deemed to be

1 subject to and bound by the certificate, the representations,  
2 actions, inactions, and submissions of the account representative  
3 of the WEB source, and the decisions, orders, actions, and  
4 inactions of the executive secretary as if the new owner or  
5 operator were included in the list.  
6

#### 7 **R307-250-6. Registration.**

##### 8 (1) Deadlines.

9 (a) Each source that is a WEB source on or before the  
10 program trigger date shall register by submitting the initial  
11 certificate required in R307-250-5(2) to the executive secretary  
12 no later than 180 days after the program trigger date.

13 (b) Any existing source that becomes a WEB source after the  
14 program trigger date shall register by submitting the initial  
15 certificate required in R307-250-5(2) to the executive secretary  
16 no later than September 30 of the year following the inventory  
17 year in which the source exceeded the emission threshold.

18 (c) Any new WEB source shall register by submitting the  
19 initial certificate required in R307-250-5(2) to the executive  
20 secretary prior to commencing operation.

21 (2) Any allocation, transfer or deduction of allowances to  
22 or from the source's compliance account shall not require a  
23 revision of the WEB source's operating permit under R307-415.  
24

#### 25 **R307-250-7. Allowance Allocations.**

26 (1) The TSA will record the allowances for each WEB source  
27 in the source's compliance account once the allowances are  
28 allocated by the executive secretary under SIP Section XX.E.3.a  
29 through c. If applicable, the TSA will record a portion of the  
30 sulfur dioxide allowances for a WEB source in a special reserve  
31 compliance account to account for any allowances to be held by the  
32 source that conducts monitoring in accordance with R307-250-  
33 9(1)(b).

34 (2) The TSA will assign a serial number to each allowance in  
35 accordance with SIP Section XX.E.3.f.

36 (3) All allowances shall be allocated, recorded,  
37 transferred, or used as whole allowances. To determine the number  
38 of whole allowances, the number of allowances shall be rounded  
39 down for decimals less than 0.50 and rounded up for decimals of  
40 0.50 or greater.

41 (4) An allowance is not a property right, and is a limited  
42 authorization to emit one ton of sulfur dioxide valid only for the  
43 purpose of meeting the requirements of R307-250. No provision of  
44 the WEB Trading Program or other law should be construed to limit  
45 the authority of the executive secretary to terminate or limit  
46 such authorization.

47 (5) Early Reduction Bonus Allocation. Any non-utility WEB  
48 source that installs new control technology and that reduces its  
49 permitted annual sulfur dioxide emissions to a level that is below  
50 the floor level allocation established for that source in SIP  
51 Section XX.E.3.a(1)(b)(i) or any utility that reduces its  
52 permitted annual sulfur dioxide emissions to a level that is below  
53 best available control technology may apply to the executive

1 secretary for an early reduction bonus allocation. The bonus  
2 allocation shall be available for reductions that occur between  
3 2003 and the program trigger year. The application must be  
4 submitted no later than 90 days after the program trigger date.  
5 Any WEB source that applies and receives early reduction bonus  
6 allocations must retain the records referenced in this section for  
7 a minimum of five years after the early reduction bonus allowance  
8 is certified in accordance with SIP Section XX.E.3.a(c). The  
9 application for an early reduction bonus allocation must contain  
10 the following information:

11 (a) copies of all approval orders, operating permits or  
12 other enforceable documents that include annual sulfur dioxide  
13 emissions limits for the WEB source during the period the WEB  
14 source qualifies for an early reduction credit. Approval orders,  
15 permits, or enforceable documents must contain monitoring  
16 requirements for sulfur dioxide emissions that meet the  
17 specifications in R307-250-9(1)(a).

18 (b) demonstration that the floor level established for the  
19 source in SIP Section XX.E.3.a(1)(b)(i) for non-utilities or best  
20 available control technology for utilities was calculated using  
21 data that are consistent with monitoring methods specified in  
22 R307-250-9(1)(a). If needed, the demonstration shall include a  
23 new floor level calculation that is consistent with the monitoring  
24 methodology in R307-250-9.

25 (6) Request for Allowances for New WEB Sources or Modified  
26 WEB Sources.

27 (a) A new WEB source may apply to the executive secretary  
28 for an allocation from the new source set-aside, as outlined in  
29 SIP Section XX.E.3.c. A new WEB source is eligible for an annual  
30 floor allocation equal to the lower of the permitted annual sulfur  
31 dioxide emission limit for that source, or sulfur dioxide annual  
32 emissions calculated based on a level of control equivalent to  
33 best available control technology (BACT) and assuming 100 percent  
34 utilization of the WEB source, beginning with the first full  
35 calendar year of operation.

36 (b) An existing WEB source that has increased production  
37 capacity through a new approval order issued under R307-401 may  
38 apply to the executive secretary for an allocation from the new  
39 source set-aside, as outlined in SIP Section XX.E.3.c. An  
40 existing WEB source is eligible for an annual allocation equal to:

41 (i) the permitted annual sulfur dioxide emission limit for a  
42 new unit; or

43 (ii) the permitted annual sulfur dioxide emission increase  
44 for the WEB source due to the replacement of an existing unit with  
45 a new unit or the modification of an existing unit that increased  
46 production capacity of the WEB source.

47 (c) A source that has received a retired source exemption  
48 under R307-250-4(4) is not eligible for an allocation from the new  
49 source set-aside.

50 (d) The application for an allocation from the new source  
51 set-aside must contain the following:

52 (i) for a new WEB source or a new unit under R307-250-  
53 7(6)(b)(i), documentation of the actual date of the commencement

of operation and a copy of the approval order issued under R307-401;

(ii) for an existing WEB source under R307-250-7(6)(b)(ii), documentation of the production capacity of the source before and after the new permit.

#### **R307-250-8. Establishment of Accounts.**

(1) Allowance Tracking System Accounts. All WEB sources are required to open a compliance account. Any person may open a general account for the purpose of holding and transferring allowances. In addition, if a WEB source conducts monitoring under R307-250-9(1)(b), the WEB source shall open a special reserve compliance account for allowances associated with units monitored under those provisions. To open any type of account, an application that contains the following information must be submitted to the TSA:

(a) the name, mailing address, e-mail address, telephone number, and facsimile number of the account representative. For a compliance account, the application shall include a copy of the certificate for the account representative and any alternate as required in R307-250-5(2)(b). For a general account, the application shall include the certificate for the account representative and any alternate as required in (3)(b) below.

(b) the WEB source or organization name;

(c) the type of account to be opened;

(d) identification of the specific units that are being monitored ~~ing~~ under R307-250-9(1)(b) and that must demonstrate compliance with the allowance limitation in the special reserve compliance account; and

(e) a signed certification of truth and accuracy by the account representative according to R307-250-5(3)(b) for compliance accounts and for general accounts, certification of truth and accuracy by the account representative according to (4) below.

(2) Account Representative for General Accounts. For a general account, one account representative must be identified and an alternate account representative may be identified and may act on behalf of the account representative. Any representation, action, inaction or submission by the alternate account representative will be deemed to be a representation, action, inaction or submission by the account representative.

(3) Identification and Certification of an Account Representative for General Accounts.

(a) The account representative shall be appointed by an agreement that makes the representations, actions, inactions or submissions of the account representative binding on all persons who have an ownership interest with respect to allowances held in the general account.

(b) The account representative shall submit to the TSA a signed and dated certificate that contains the following elements:

(i) the name, address, e-mail (if available), telephone and facsimile number of the account representative and any alternate;

(ii) the organization name, if applicable;

1 (iii) the following certification statement: "I certify that  
2 I was selected as the account representative or alternate account  
3 representative, as applicable, by an agreement binding on all  
4 persons who have an ownership interest in allowances in the  
5 general account with regard to matters concerning the general  
6 account. I certify that I have all the necessary authority to  
7 carry out my duties and responsibilities under the WEB Trading  
8 Program on behalf of said persons and that each such person shall  
9 be fully bound by my representations, actions, inactions, or  
10 submissions."

11 (c) Upon receipt by the TSA of the complete certificate, the  
12 account representative represents and, by his or her  
13 representations, actions, inactions, or submissions, legally binds  
14 each person who has an ownership interest in allowances held in  
15 the general account with regard to all matters concerning the  
16 general account. Such persons shall be bound by any decision or  
17 order issued by the executive secretary.

18 (d) A WEB Allowance Tracking System general account shall  
19 not be established until the TSA has received a complete  
20 certificate. Once the account is established, the account  
21 representative shall make all submissions concerning the account,  
22 including the deduction or transfer of allowances.

23 (4) Requirements and Responsibilities for General Accounts.  
24 Each submission for the general account shall be signed and  
25 certified by the account representative for the general account.  
26 Each submission shall include the following truth and accuracy  
27 certification statement by the account representative: "I am  
28 authorized to make this submission on behalf of all person who  
29 have an ownership interest in allowances held in the general  
30 account. I certify under penalty of law that I have personally  
31 examined, and am familiar with, the statements and information  
32 submitted in this document and all its attachments. Based on my  
33 inquiry of those individuals with primary responsibility for  
34 obtaining the information, I certify that the statements and  
35 information are to the best of my knowledge and belief true,  
36 accurate, and complete. I am aware that there are significant  
37 penalties for submitting false statements and information or  
38 omitting required statements and information, including the  
39 possibility of fine or imprisonment."

40 (5) Changing the Account Representative for General  
41 Accounts. The account representative or alternate account  
42 representative may be changed at any time by sending a complete  
43 superseding certificate to the executive secretary and the TSA  
44 under (3)(b) above. The change will take effect upon the receipt  
45 of the certificate by the TSA. Notwithstanding any such change,  
46 all representations, actions, inactions, and submissions by the  
47 previous account representative or alternate prior to the time and  
48 date when the TSA receives the superseding certificate shall be  
49 binding on the new account representative and all persons having  
50 ownership interest with respect to allowances held in the general  
51 account.

52 (6) Changes to the Account. Any change to the information  
53 required in the application for an existing account under (1)

above shall require a revision of the application.

**R307-250-9. Monitoring, Recordkeeping and Reporting.**

(1) General Requirements on Monitoring Methods.

(a) For each sulfur dioxide emitting unit at a WEB source the WEB source shall comply with the following, as applicable, to monitor and record sulfur dioxide mass emissions.

(i) If a unit is subject to 40 CFR Part 75 under a requirement separate from the WEB Trading Program, the unit shall meet the requirements contained in Part 75 with respect to monitoring, recording and reporting sulfur dioxide mass emissions.

(ii) If a unit is not subject to 40 CFR Part 75 under a requirement separate from the WEB Trading Program, a unit shall use one of the following monitoring methods, as applicable:

(A) a continuous emission monitoring system (CEMS) for sulfur dioxide and flow that complies with all applicable monitoring provisions in 40 CFR Part 75;

(B) if the unit is a gas- or oil-fired combustion device, the excepted monitoring methodology in Appendix D to 40 CFR Part 75, or, if applicable, the low mass emissions (LME) provisions (with respect to sulfur dioxide mass emissions only) of 40 CFR 75.19;

(C) one of the optional WEB protocols, if applicable, in Appendix E of State Implementation Plan Section XX, Regional Haze; or

(D) a petition for site-specific monitoring that the source submits for approval by the executive secretary and approval by the U.S. Environmental Protection Agency in accordance with R307-250-9(9).

(iii) A permanently retired unit shall not be required to monitor under this section if such unit was permanently retired and had no emissions for the entire control period and the account representative certifies in accordance with R307-250-12(2) that these conditions were met.

(b) Notwithstanding (a) above, a WEB source with a unit that meets one of the conditions of (i) below may submit a request to the executive secretary to have the provisions of this subsection (b) apply to that unit.

(i) Any of the following units may implement this subsection (b):

(A) any smelting operation where all of the emissions from the operation are not ducted to a stack; or

(B) any flare, except to the extent such flares are used as a fuel gas combustion device at a petroleum refinery; or

(C) any other type of unit without add-on sulfur dioxide control equipment, if the unit belongs to one of the following source categories: cement kilns, pulp and paper recovery furnaces, lime kilns, or glass manufacturing.

(ii) For each unit covered by this subsection (b), the account representative shall submit a notice to request that this subsection (b) apply to one or more sulfur dioxide emitting units at a WEB source. The notice shall be submitted in accordance with the deadlines specified in R307-250-9(6)(a), and shall include the

1 following information (in a format specified by the executive  
2 secretary with such additional, related information as may be  
3 requested):

4 (A) a list of all units at the WEB source that identifies  
5 the units that are to be covered by this subsection (b);

6 (B) an identification of any such units that are permanently  
7 retired.

8 (iii) For each new unit at an existing WEB source for which  
9 the WEB source seeks to comply with this subsection~~[paragraph]~~ (b)  
10 and for which the account representative applies for an allocation  
11 under the new source set-aside provisions of R307-250-7(6), the  
12 account representative shall submit a modified notice under (ii)  
13 above that includes such new sulfur dioxide emitting units. The  
14 modified request shall be submitted in accordance with the  
15 deadlines in R307-250-9(6)(a), but no later than the date on which  
16 a request is submitted under R307-250-7(6) for allocations from  
17 the set-aside.

18 (iv) The account representative for a WEB source shall  
19 submit an annual emissions statement for each unit under this  
20 subsection (b) pursuant to R307-250-9(8). The WEB source shall  
21 maintain operating records sufficient to estimate annual sulfur  
22 dioxide emissions in a manner consistent with the emission  
23 inventory submitted by the source for calendar year 1998. In  
24 addition, if the estimated emissions from all such units at the  
25 WEB source are greater than the allowances for the current control  
26 year held in the special reserve compliance account for the WEB  
27 source, the account representative shall report the extra amount  
28 as part of the annual report for the WEB source under R307-250-12  
29 and shall obtain and transfer allowances into the special reserve  
30 compliance account to account for such emissions.

31 (v) R307-250-9(2) - (10) shall not apply to units covered by  
32 this paragraph except where otherwise noted.

33 (vi) A WEB source may opt to modify the monitoring for a  
34 sulfur dioxide emitting unit to use monitoring under (a) above,  
35 but any such monitoring change must take effect on January 1 of  
36 the next compliance year. In addition, the account representative  
37 must submit an initial monitoring plan at least 180 days prior to  
38 the date on which the new monitoring will take effect and a  
39 detailed monitoring plan in accordance with (2) below. The  
40 account representative shall also submit a revised notice under  
41 R307-250-9(1)(b)(ii) at the same time that the initial monitoring  
42 plan is submitted.

43 (c) For any monitoring method that the WEB source uses under  
44 R307-250-9 including (b) above, the WEB source shall install,  
45 certify, and operate the equipment in accordance with this  
46 section, and record and report the data from the method as  
47 required in this section. In addition, the WEB source may not:

48 (i) except for an alternative approved by the EPA  
49 Administrator for a WEB source that implements monitoring under  
50 (a) above, use an alternative monitoring system, alternative  
51 reference method or another alternative for the required  
52 monitoring method without having obtained prior written approval  
53 in accordance with (9) below;

1 (ii) operate a sulfur dioxide emitting unit so as to  
2 discharge, or allow to be discharged, sulfur dioxide emissions to  
3 the atmosphere without accounting for these emissions in  
4 accordance with the applicable provisions of this section;

5 (iii) disrupt the approved monitoring method or any portion  
6 thereof, and thereby avoid monitoring and recording sulfur dioxide  
7 mass emissions discharged into the atmosphere, except for periods  
8 of recertification or periods when calibration, quality assurance  
9 testing or maintenance is performed in accordance with the  
10 applicable provisions of this section; or

11 (iv) retire or permanently discontinue use of an approved  
12 monitoring method, except under one of the following  
13 circumstances:

14 (A) during a period when the unit is exempt from the  
15 requirements of this Section, including retirement of a unit as  
16 addressed in (a)(iii) above;

17 (B) the WEB source is monitoring emissions from the unit  
18 with another certified monitoring method approved under this  
19 Section for use at the unit that provides data for the same  
20 parameter as the retired or discontinued monitoring method; or

21 (C) the account representative submits notification of the  
22 date of certification testing of a replacement monitoring system  
23 in accordance with this Section, and the WEB source recertifies  
24 thereafter a replacement monitoring system in accordance with the  
25 applicable provisions of this Section.

26 (2) Monitoring Plan.

27 (a) General Provisions. ~~The~~A WEB source with a sulfur  
28 dioxide emitting unit that uses a monitoring method under  
29 (1)(a)(ii) above shall meet the following requirements.

30 (i) Prepare and submit to the executive secretary an initial  
31 monitoring plan for each monitoring method that the WEB source  
32 uses to comply with this Section. In accordance with (c) below,  
33 the plan shall contain sufficient information on the units  
34 involved, the applicable method, and the use of data derived from  
35 that method to demonstrate that all unit sulfur dioxide emissions  
36 are monitored and reported. The plan shall be submitted in  
37 accordance with the deadlines specified in (6) below.

38 (ii) Prepare, maintain and submit to the executive secretary  
39 a detailed monitoring plan in accordance with the deadlines  
40 specified in (6) below. The plan will contain the applicable  
41 information required by (d) below. The executive secretary may  
42 require that the monitoring plan or portions of it be submitted  
43 electronically. The executive secretary may also require that the  
44 plan be submitted on an ongoing basis in electronic format as part  
45 of the quarterly report submitted under (8)(a) below or  
46 resubmitted separately within 30 days after any change is made to  
47 the plan in accordance with (iii) below.

48 (iii) Whenever ~~a~~a WEB source makes a replacement,  
49 modification, or change in one of the systems or methodologies  
50 provided for in (1)(a)(ii) above, including a change in the  
51 automated data acquisition and handling system or in the flue gas  
52 handling system, that affects information reported in the  
53 monitoring plan, such as a change to serial number for a component

1 of a monitoring system, then the WEB source shall update the  
2 monitoring plan.

3 (b) ~~A~~[The] WEB source with a sulfur dioxide emitting unit  
4 that uses a method under (1)(a)(i) above shall meet the  
5 requirements of (a) - (f) by preparing, maintaining and submitting  
6 a monitoring plan in accordance with the requirements of 40 CFR  
7 Part 75. If requested, the WEB source also shall submit the  
8 entire monitoring plan to the executive secretary.

9 (c) Initial Monitoring Plan. The account representative  
10 shall submit an initial monitoring plan for each sulfur dioxide  
11 emitting unit or group of units sharing a common methodology that,  
12 except as otherwise specified in an applicable provision in  
13 Appendix E of State Implementation Plan Section XX, contains the  
14 following information:

15 (i) For all sulfur dioxide emitting units:

16 (A) plant name and location;

17 (B) plant and unit identification numbers assigned by the  
18 executive secretary;

19 (C) type of unit, or units for a group of units using a  
20 common monitoring methodology;

21 (D) identification of all stacks or pipes associated with  
22 the monitoring plan;

23 (E) types of fuels fired or sulfur containing process  
24 materials used in the sulfur dioxide emitting unit, and the fuel  
25 classification of the unit if combusting more than one type of  
26 fuel and using a 40 CFR Part 75 methodology;

27 (F) types of emissions controls for sulfur dioxide installed  
28 or to be installed, including specifications of whether such  
29 controls are pre-combustion, post-combustion, or integral to the  
30 combustion process;

31 (G) maximum hourly heat input capacity, or process  
32 throughput capacity, if applicable;

33 (H) identification of all units using a common stack; and

34 (I) indicator of whether any stack identified in the plan is  
35 a bypass stack.

36 (ii) For each unit and parameter required to be monitored,  
37 identification of monitoring methodology information, consisting  
38 of monitoring methodology, monitor locations, substitute data  
39 approach for the methodology, and general identification of  
40 quality assurance procedures. If the proposed methodology is a  
41 specific methodology submitted pursuant to (1)(a)(ii)(D) above,  
42 the description under this paragraph shall describe fully all  
43 aspects of the monitoring equipment, installation locations,  
44 operating characteristics, certification testing, ongoing quality  
45 assurance and maintenance procedures, and substitute data  
46 procedures.

47 (iii) If ~~a~~[the] WEB source intends to petition for a change  
48 to any specific monitoring requirement otherwise required under  
49 this Section, such petition may be submitted as part of the  
50 initial monitoring plan.

51 (iv) The executive secretary may issue a notice of approval  
52 or disapproval of the initial monitoring plan based on the  
53 compliance of the proposed methodology with the requirements for

1 monitoring in this Section.

2 (d) Detailed Monitoring Plan. The account representative  
3 shall submit a detailed monitoring plan that, except as otherwise  
4 specified in an applicable provision in Appendix C[E] of State  
5 Implementation Plan Section XX, the Regional Haze SIP, shall  
6 contain the following information:

7 (i) Identification and description of each monitoring  
8 component (including each monitor and its identifiable components,  
9 such as analyzer or probe) in a continuous emissions monitoring  
10 system (e.g., sulfur dioxide pollutant concentration monitor, flow  
11 monitor, moisture monitor), a 40 CFR Part 75, Appendix D  
12 monitoring system (e.g., fuel flowmeter, data acquisition and  
13 handling system), or a protocol in Appendix B of SIP Section XX,  
14 including:

15 (A) manufacturer, model number and serial number;

16 (B) component and system identification code assigned by the  
17 facility to each identifiable monitoring component, such as the  
18 analyzer and/or probe;

19 (C) designation of the component type and method of sample  
20 acquisition or operation such as in situ pollutant concentration  
21 monitor or thermal flow monitor;

22 (D) designation of the system as a primary or backup system;

23 (E) first and last dates the system reported data;

24 (F) status of the monitoring component; and

25 (G) parameter monitored.

26 (ii) Identification and description of all major hardware  
27 and software components of the automated data acquisition and  
28 handling system, including:

29 (A) hardware components that perform emission calculations  
30 or store data for quarterly reporting purposes, including the  
31 manufacturer and model number; and

32 (B) identification of the provider and model or version  
33 number of the software components.

34 (iii) Explicit formulas for each measured emissions  
35 parameter, using component or system identification codes for the  
36 monitoring system used to measure the parameter that links the  
37 system observations with the reported concentrations and mass  
38 emissions. The formulas must contain all constants and factors  
39 required to derive mass emissions from component or system code  
40 observations and an indication of whether the formula is being  
41 added, corrected, deleted, or is unchanged. The WEB source with a  
42 low mass emissions unit for which the WEB source is using the  
43 optional low mass emissions excepted methodology in 40 CFR Part  
44 75.19(c) is not required to report such formulas.

45 (iv) For units with flow monitors only, the inside cross-  
46 sectional area in square feet at the flow monitoring location.

47 (v) If using CEMS for sulfur dioxide and flow, for each  
48 parameter monitored, include the scale, maximum potential  
49 concentration and method of calculation, maximum expected  
50 concentration, if applicable, and method of calculation, maximum  
51 potential flow rate and method of calculations, span value, full-  
52 scale range, daily calibration units of measure, span effective  
53 date and hour, span inactivation date and hour, indication of

whether dual spans are required, default high range value, flow rate span, and flow rate span value and full scale value in standard cubic feet per hour for each unit or stack using sulfur dioxide or flow component monitors.

(vi) If the monitoring system or excepted methodology provides for use of a constant, assumed, or default value for a parameter under specific circumstances, then include the following information for each value of such parameter:

(A) identification of the parameter;  
(B) default, maximum, minimum, or constant value, and units of measure for the value;  
(C) purpose of the value;  
(D) indicator of use during controlled and uncontrolled hours;

(E) types of fuel;  
(F) source of the value;  
(G) value effective date and hour;  
(H) date and hour value is no longer effective, if applicable; and

(I) for units using the excepted methodology under 40 CFR 75.19, the applicable sulfur dioxide emission factor.

(vii) Unless otherwise specified in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, for each unit or common stack on which continuous emissions monitoring system hardware are installed:

(A) the upper and lower boundaries of the range of operation as defined in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, or thousands of pounds per hour (lb/hr) of steam, or feet per second (ft/sec), as applicable;

(B) the load or operating level(s) designated as normal in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, or thousands of lb/hr of steam, or ft/sec, as applicable;

(C) the two load or operating levels (i.e., low, mid, or high) identified in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75 as the most frequently used;

(D) the date of the data analysis used to determine the normal load (or operating) level(s) and the two most frequently-used load or operating levels; and

(E) activation and deactivation dates when the normal load or operating levels change and are updated.

(viii) For each unit that is complying with 40 CFR Part 75 for which the optional fuel flow-to-load test in subsection 2.1.7 of Appendix D to 40 CFR Part 75 is used:

(A) the upper and lower boundaries of the range of operation as defined in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, expressed in thousands of lb/hr of steam;

(B) the load level designated as normal, pursuant to subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, expressed in thousands of lb/hr of steam; and

(C) the date of the load analysis used to determine the normal load level.

(ix) Information related to quality assurance testing, including, as applicable: identification of the test strategy;

1 protocol for the relative accuracy test audit; other relevant test  
2 information; calibration gas levels expressed as percent of span  
3 for the calibration error test and linearity check; and  
4 calculations for determining maximum potential concentration,  
5 maximum expected concentration if applicable, maximum potential  
6 flow rate, and span[+].

7 (x) If applicable, apportionment strategies under sections  
8 75.10 through 75.18 of 40 CFR Part 75.

9 (xi) Description of site locations for each monitoring  
10 component in a monitoring system, including schematic diagrams and  
11 engineering drawings and any other documentation that demonstrates  
12 each monitor location meets the appropriate siting criteria. For  
13 units monitored by a continuous emission monitoring system,  
14 diagrams shall include:

15 (A) a schematic diagram identifying entire gas handling  
16 system from unit to stack for all units, using identification  
17 numbers for units, monitor components, and stacks corresponding to  
18 the identification numbers provided in the initial monitoring plan  
19 and (i) and (iii) above. The schematic diagram must depict the  
20 height of any monitor locations. Comprehensive and/or separate  
21 schematic diagrams shall be used to describe groups of units using  
22 a common stack; and

23 (B) stack and duct engineering diagrams showing the  
24 dimensions and locations of fans, turning vanes, air preheaters,  
25 monitor components, probes, reference method sampling ports, and  
26 other equipment that affects the monitoring system location,  
27 performance, or quality control checks.

28 (xii) A data flow diagram denoting the complete information  
29 handling path from output signals of CEMS components to final  
30 reports.

31 (e) In addition to supplying the information in (c) and (d)  
32 above, the WEB source with a sulfur dioxide emitting unit using  
33 either of the methodologies in (1)(a)(ii)(B) above shall include  
34 the following information in its monitoring plan for the specific  
35 situations described:

36 (i) For each gas-fired or oil-fired sulfur dioxide emitting  
37 unit for which the WEB source uses the optional protocol in  
38 Appendix D to 40 CFR Part 75 for sulfur dioxide mass emissions,  
39 the Account Representative shall include the following information  
40 in the monitoring plan:

41 (A) parameter monitored;

42 (B) type of fuel measured, maximum fuel flow rate, units of  
43 measure, and basis of maximum fuel flow rate expressed as the  
44 upper range value or unit maximum for each fuel flowmeter;

45 (C) test method used to check the accuracy of each fuel  
46 flowmeter;

47 (D) submission status of the data;

48 (E) monitoring system identification code;

49 (F) the method used to demonstrate that the unit qualifies  
50 for monthly gross calorific value (GCV) sampling or for daily or  
51 annual fuel sampling for sulfur content, as applicable;

52 (G) a schematic diagram identifying the relationship between  
53 the unit, all fuel supply lines, the fuel flowmeters, and the

stacks. The schematic diagram must depict the installation location of each fuel flowmeter and the fuel sampling locations. Comprehensive or separate schematic diagrams shall be used to describe groups of units using a common pipe;

(H) for units using the optional default sulfur dioxide emission rate for "pipeline natural gas" or "natural gas" in appendix D to 40 CFR Part 75, the information on the sulfur content of the gaseous fuel used to demonstrate compliance with either subsection 2.3.1.4 or 2.3.2.4 of Appendix D to 40 CFR Part 75;

(I) for units using the 720 hour test under subsection 2.3.6 of Appendix D to 40 CFR Part 75 to determine the required sulfur sampling requirements, report the procedures and results of the test; and

(J) for units using the 720 hour test under subsection 2.3.5 of Appendix D to 40 CFR Part 75 to determine the appropriate fuel GCV sampling frequency, report the procedures used and the results of the test.

(ii) For each sulfur dioxide emitting unit for which the WEB source uses the low mass emission excepted methodology of ~~[Section] 40 CFR 75.19 [to 40 CFR Part 75]~~, the WEB source shall include the ~~[following]~~ information in (A) through (F) in the monitoring plan that accompanies the initial certification application. ~~[+]~~

(A) ~~[+]~~ The results of the analysis performed to qualify as a low mass emissions unit under ~~[Section] 40 CFR 75.19(c) [to 40 CFR Part 75]~~. This report will include either the previous three years' actual or projected emissions. The report will include the current calendar year of application; the type of qualification; years one, two, and three; annual measured, estimated or projected sulfur dioxide mass emissions for years one, two, and three; and annual operating hours for years one, two, and three.

(B) ~~[+]~~ A schematic diagram identifying the relationship between the unit, all fuel supply lines and tanks, any fuel flowmeters, and the stacks. Comprehensive or separate schematic diagrams shall be used to describe groups of units using a common pipe. ~~[+]~~

(C) ~~[+]~~ For units which use the long term fuel flow methodology under ~~[subsection] 40 CFR 75.19(c) (3) [to 40 CFR Part 75]~~, a diagram of the fuel flow to each unit or group of units and a detailed description of the procedures used to determine the long term fuel flow for a unit or group of units for each fuel combusted by the unit or group of units. ~~[+]~~

(D) ~~[+]~~ A statement that the unit burns only gaseous fuels or fuel oil and a list of the fuels that are burned or a statement that the unit is projected to burn only gaseous fuels or fuel oil and a list of the fuels that are projected to be burned. ~~[+]~~

(E) ~~[+]~~ A statement that the unit meets the applicability requirements in ~~[sections] 40 CFR 75.19(a) and (b) [to 40 CFR Part 75]~~ with respect to sulfur dioxide emissions. ~~[+]~~ and

(F) ~~[+]~~ Any unit historical actual, estimated and projected sulfur dioxide emissions data and calculated sulfur dioxide emissions data demonstrating that the unit qualifies as a low mass

emissions unit under ~~sections~~ 40 CFR 75.19(a) and (b) ~~[to 40 CFR Part 75]~~.

(iii) For each gas-fired unit, the account representative shall include the following in the monitoring plan: current calendar year, fuel usage data as specified in the definition of gas-fired in 40 CFR 72.2, and an indication of whether the data are actual or projected data.

(f) The specific elements of a monitoring plan under this section shall not be part of a WEB source's operating permit issued under R307-415, and modifications to the elements of the plan shall not require a permit modification.

(3) Certification and Recertification.

(a) All monitoring systems are subject to initial certification and recertification testing as specified in 40 CFR Part 75 or Appendix E of State Implementation Plan Section XX, as applicable. Certification or recertification of a monitoring system by the U.S. EPA for a WEB source that is subject to 40 CFR Part 75 under a requirement separate from this Rule shall constitute certification under the WEB Trading Program.

(b) The WEB source with a sulfur dioxide emitting unit not otherwise subject to 40 CFR Part 75 that monitors sulfur dioxide mass emissions in accordance with 40 CFR Part 75 to satisfy the requirements of this section shall perform all of the tests required by that regulation and shall submit the following to the executive secretary:

(i) a test notice, not later than 21 days before the certification testing of the monitoring system, provided that the executive secretary may establish additional requirements for adjusting test dates after this notice as part of the approval of the initial monitoring plan under (2)(c) above; and

(ii) an initial certification application within 45 days after testing is complete.

(c) A monitoring system will be considered provisionally certified while the application is pending.

(d) Upon receipt of a disapproval of the certification of a monitoring system or component, the certification is revoked. The data measured and recorded shall not be considered valid quality-assured data from the date of issuance of the notification of revocation until the WEB source completes a subsequently-approved certification or re-certification test in accordance with the procedures in this rule. The WEB source shall apply the substitute data procedures in this rule to replace all of the invalid data for each disapproved system or component.

(4) Ongoing Quality Assurance and Quality Control. The WEB source shall satisfy the applicable quality assurance and quality control requirements of 40 CFR Part 75 or, if the WEB source is subject to a WEB protocol in Appendix E of State Implementation Plan Section XX, the applicable quality assurance and quality control requirements in Appendix E of State Implementation Plan Section XX on and after the date that certification testing commences.

(5) Substitute Data Procedures.

(a) For any period after certification testing is complete

1 in which quality assured, valid data are not being recorded by a  
2 monitoring system certified and operating in accordance with R307-  
3 250, missing or invalid data shall be replaced with substitute  
4 data in accordance with 40 CFR Part 75 or, if the WEB source is  
5 subject to a WEB protocol in Appendix E of State Implementation  
6 Plan Section XX, with substitute data in accordance with that  
7 Appendix.

8 (b) For a sulfur dioxide emitting unit that does not have a  
9 certified or provisionally certified monitoring system in place as  
10 of the beginning of the first control period for which the unit is  
11 subject to the WEB Trading Program, the WEB source shall use one  
12 of the following procedures.

13 (i) If the WEB source will use a continuous emissions  
14 monitoring system to comply with this Section, substitute the  
15 maximum potential concentration of sulfur dioxide for the unit and  
16 the maximum potential flow rate, as determined in accordance with  
17 40 CFR Part 75. The procedures for conditional data validation  
18 under section 75.20(b)(3) may be used for any monitoring system  
19 under this Rule that uses these 40 CFR Part 75 procedures, as  
20 applicable.

21 (ii) If the WEB source will use the 40 CFR Part 75 Appendix  
22 D methodology, substitute the maximum potential sulfur content,  
23 density or gross calorific value for the fuel and the maximum  
24 potential fuel flow rate, in accordance with section 2.4 of  
25 Appendix D to 40 CFR Part 75.

26 (iii) If the WEB source will use the 40 CFR Part 75  
27 methodology for low mass emissions units, substitute the sulfur  
28 dioxide emission factor required for the unit as specified in 40  
29 CFR 75.19 and the maximum rated hourly heat input, as defined in  
30 40 CFR 72.2.

31 (iv) If using a protocol in Appendix E of State  
32 Implementation Plan Section XX, follow the procedures in the  
33 applicable protocol.

34 (6) Deadlines.

35 (a) The initial monitoring plan required under R307-250-  
36 9(2)(a)(i) shall be submitted by the following dates:

37 (i) for each source that is a WEB source on or before the  
38 program trigger date, the monitoring plan shall be submitted 180  
39 days after such program trigger date.

40 (ii) for any existing source that becomes a WEB source after  
41 the program trigger date, the monitoring plan shall be submitted  
42 by September 30 of the year following the inventory year in which  
43 the source exceeded the emissions threshold.

44 (iii) for any new WEB source, the monitoring plan shall be  
45 included with the notice of intent required by R307-401.

46 (b) The detailed monitoring plan required under R307-250-  
47 9(2)(a)(i) shall be submitted no later than 45 days prior to  
48 commencing certification testing in accordance with (c) below.

49 (c) Emission monitoring systems shall be installed,  
50 operational and shall have met all of the certification testing  
51 requirements of R307-250-9(3), including any referenced in  
52 Appendix E of State Implementation Plan Section XX, by the  
53 following dates:

1 (i) for each source that is a WEB source on or before the  
2 program trigger date, two years prior to the start of the first  
3 control period as described in R307-250-12.

4 (ii) for any existing source that becomes a WEB source after  
5 the program trigger date, one year after the due date for the  
6 monitoring plan under (6)(a)(ii) above.

7 (iii) for any new WEB source or any new unit at a WEB  
8 source, the earlier of 90 unit operating days or 180 calendar days  
9 after the date the new source commences operation.

10 (d) The WEB source shall submit test notices and  
11 certification applications in accordance with the deadlines set  
12 forth in R307-250-9(3)(b).

13 (e) For each control period, the WEB source shall submit  
14 each quarterly report no later than 30 days after the end of each  
15 calendar quarter, and shall submit each annual report no later  
16 than 60 days after the end of each calendar year.

17 (7) Recordkeeping.

18 (a) ~~[Except as provided in (b) below, t]~~The WEB source shall  
19 keep copies of all reports, registration materials, compliance  
20 certifications, sulfur dioxide emissions data, quality assurance  
21 data, and other submissions under this Rule for a period of five  
22 years. In addition, the WEB source shall keep a copy of all  
23 certificates for the duration of the WEB Trading Program. Unless  
24 otherwise requested by the WEB source and approved by the  
25 executive secretary, the copies shall be kept on site.

26 (b) The WEB source shall keep records of all operating  
27 hours, quality assurance activities, fuel sampling measurements,  
28 hourly averages for sulfur dioxide, stack flow, fuel flow, or  
29 other continuous measurements, as applicable, and any other  
30 applicable data elements specified in this section or in Appendix  
31 E of State Implementation Plan Section XX. The WEB source shall  
32 maintain the applicable records specified in 40 CFR Part 75 for  
33 any sulfur dioxide emitting unit that uses a Part 75 monitoring  
34 method to meet the requirements of this Section.

35 (8) Reporting.

36 (a) Quarterly Reports. For each sulfur dioxide emitting  
37 unit, the account representative shall submit a quarterly report  
38 within thirty days after the end of each calendar quarter. The  
39 report shall be in a format specified by the executive secretary,  
40 including hourly and quality assurance activity information, and  
41 shall be submitted in a manner compatible with the emissions  
42 tracking database designed for the WEB Trading Program. If the  
43 WEB source submits a quarterly report under 40 CFR Part 75 to the  
44 U.S. EPA Administrator, no additional report under this paragraph  
45 (a) shall be required. The executive secretary may require that a  
46 copy of that report or a separate statement of quarterly and  
47 cumulative annual sulfur dioxide mass emissions be submitted  
48 separately.

49 (b) Annual Report. Based on the quarterly reports, each WEB  
50 source shall submit an annual statement of total annual sulfur  
51 dioxide emissions for all sulfur dioxide emitting units at the  
52 source. The annual report shall identify total emissions for all  
53 units monitored in accordance with (1)(a) above and the total

emissions for all units with emissions estimated in accordance with (1)(b) above. The annual report shall be submitted within 60 days after the end of a control period.

(c) If directed by the executive secretary, monitoring plans, reports, certifications or recertifications, or emissions data required to be submitted under this section also shall be submitted to the TSA.

(d) If the executive secretary rejects any report submitted under this subsection that contains errors or fails to satisfy the requirements of this section, the account representative shall resubmit the report to correct any deficiencies.

(9) Petitions. A WEB source may petition for an alternative to any requirement specified in (1)(a)(ii) above. The petition shall require approval of the executive secretary and the Administrator. Any petition submitted under this paragraph shall include sufficient information for the evaluation of the petition, including, at a minimum, the following information:

(a) identification of the WEB source and applicable sulfur dioxide emitting unit(s);

(b) a detailed explanation of why the proposed alternative is being suggested in lieu of the requirement;

(c) a description and diagram of any equipment and procedures used in the proposed alternative, if applicable; and

(d) a demonstration that the proposed alternative is consistent with the purposes of the requirement for which the alternative is proposed, is consistent with the purposes of R307-250, and that any adverse effect of approving such alternative will be de minimis; and

(e) any other relevant information that the executive secretary may require.

(10) For any monitoring plans, reports, or other information submitted under this Rule, the account representative shall ensure that, where applicable, identifying information is consistent with the identifying information provided in the most recent certificate for the WEB source submitted under R307-250-5.

#### **R307-250-10. Allowance Transfers.**

(1) Procedure. To transfer allowances, the account representative shall submit the following information to the TSA:

(a) the number or numbers identifying the transferor account;

(b) the number or numbers identifying the transferee account;

(c) the serial number of each allowance to be transferred; and

(d) the transferor's account representative's name, signature, and the date of submission.

(2) Allowance Transfer Deadline. The allowance transfer deadline is midnight Pacific Standard Time on March 1 of each year, or, if this date is not a business day, midnight of the first business day thereafter, following the end of the control period. By this time, the transfer of the allowances into the WEB source's compliance account must be correctly submitted to the TSA

1 in order to demonstrate compliance under R307-250-12 for that  
2 control period.

3 (3) Retirement of Allowances. To permanently retire  
4 allowances, the transferor's account representative shall submit  
5 the following information to the TSA:

6 (a) the transfer account number identifying the transferor  
7 account;

8 (b) the serial number of each allowance to be retired; and

9 (c) the transferor's account representative's name,  
10 signature, and the date of submission accompanied by a signed  
11 statement acknowledging that each retired allowance is no longer  
12 available for future transfers from or to any account.

13 (4) Special Reserve Compliance Accounts. Allowances shall  
14 not be transferred out of special reserve compliance accounts.  
15 Allowances may be transferred into special reserve compliance  
16 accounts in accordance with the procedures in paragraph (1) above.

17  
18 **R307-250-11. Use of Allowances from a Previous Year.**

19 (1) Any allowance that is held in a compliance account or  
20 general account will remain in the account until the allowance is  
21 either deducted in conjunction with the compliance process, or  
22 transferred to another account.

23 (2) In order to demonstrate compliance under R307-250-12(1)  
24 for a control period, WEB sources shall only use allowances  
25 allocated for that control period or any previous year.

26 (3) If flow control procedures for the current control  
27 period have been triggered as outlined in SIP Section XX.E.3.h(2),  
28 then the use of allowances that were allocated for any previous  
29 year will be limited in the following ways.

30 (a) The number of allowances that are held in each  
31 compliance account and general account as of the allowance  
32 transfer deadline for the immediately previous year and that were  
33 allocated for any previous year will be determined.

34 (b) The number determined in (a) above will be multiplied by  
35 the flow control ratio established in accordance with SIP Section  
36 XX.E.3.h to determine the number of allowances that were allocated  
37 for a previous year that can be used without restriction for the  
38 current control period.

39 (c) Allowances that were allocated for a previous year in  
40 excess of the number determined in (b) above may also be used for  
41 the current control period. If such allowances are used to make a  
42 deduction, two allowances must be deducted for each deduction of  
43 one allowance required under R307-250-12.

44 (4) Special provisions for the year 2018. After compliance  
45 with the 2017 allowance limitation has been determined in  
46 accordance with R307-250-12(1), allowances allocated for any year  
47 prior to 2018 shall not be used for determining compliance with  
48 the 2018 allowance limitation or any future allowance limitation.

49 (5) Special Reserve Compliance Accounts. Unused allowances  
50 in any special reserve compliance account will be retired after  
51 the compliance deductions under R307-250-12 have been completed  
52 for each control period, and shall not be available for use in any  
53 future control period.

**R307-250-12. Compliance.**

(1) Compliance with Allowance Limitations.

(a) The WEB source must hold allowances, in accordance with (b) and (c) below and R307-250-11, as of the allowance transfer deadline in the WEB source's compliance account, ~~[except as provided in (d) below for units monitored according to]~~ together with any current control year allowances held in the WEB source's special reserve compliance account under R307-250-9(1)(b), in an amount not less than the total sulfur dioxide emissions for the control period from the WEB source, as determined under the monitoring and reporting requirements of R307-250-9.

(i) For each source that is a WEB source on or before the program trigger date, the first control period is the calendar year that is six years following the calendar year for which sulfur dioxide emissions exceeded the milestone as determined in accordance with SIP Section XX.E.1.

(ii) For any existing source that becomes a WEB source after the program trigger date, the first control period is the calendar year that is four years following the inventory year in which the source became a WEB source.

(iii) For any new WEB source after the program trigger date, the first control period is the first full calendar year that the source is in operation.

(iv) If the WEB Trading Program is triggered in accordance with the 2013 review procedures in SIP Section XX.E.1.d, the first control period for each source that is a WEB source on or before the program trigger date is the year 2018.

(b) Allowance transfer deadline. An allowance may only be deducted from the WEB source's compliance account if:

(i) the allowance was allocated for the current control period or meets the requirements in R307-250-11 for use of allowances from a previous control period, and

(ii) the allowance was held in the WEB source's compliance account as of the allowance transfer deadline for the current control period, or was transferred into the compliance account by an allowance transfer correctly submitted for recording by the allowance transfer deadline for the current control period.

(c) Compliance with allowance limitations shall be determined as follows. ~~[by comparing the following numbers:]~~

(i) The total annual sulfur dioxide emissions for all sulfur dioxide emitting units at the source that are monitored under R307-250-9(1)(b), as [the monitored sulfur dioxide emissions data] reported by the source to the executive secretary, in accordance with R307-250-9, and recorded in the emissions tracking database shall be compared to the allowances held in the source's special reserve compliance account as of the allowance transfer deadline for the current control period, adjusted in accordance with R307-250-11. If the emissions are equal to or less than the allowances in such account, all such allowances shall be retired to satisfy the obligation to hold allowances for such emissions. If the total emissions from such units exceed the allowances in such special reserve compliance account, the WEB source shall account

1 for such excess emissions in the following paragraph (ii).

2 (ii) The total annual sulfur dioxide emissions for all  
3 sulfur dioxide emitting units at the source that are monitored  
4 under R307-250-9(1)(a), as reported by the source to the executive  
5 secretary in accordance with R307-250-9 and recorded in the  
6 emissions tracking database, together with any excess emissions as  
7 calculated in the preceding paragraph (i), shall be compared to  
8 the allowances held in the source's compliance account as of the  
9 allowance transfer deadline for the current control period,  
10 adjusted in accordance with R307-250-11.

11 (iii) If the comparison in paragraph (ii) above results in  
12 emissions that exceed the allowances held in the source's  
13 compliance account, the source has exceeded its allowance  
14 limitation and the excess emissions are subject to the allowance  
15 deduction penalty in R307-250-12(3)(a).

16 (d) Other than allowances in a special reserve compliance  
17 account for units monitored under R307-250-9(1)(b), to [, and

18 ~~\_\_\_\_\_ (ii) the allowance allocations and transfers recorded in the~~  
19 ~~allowance tracking system, either in a compliance account or a~~  
20 ~~special reserve account, adjusted in accordance with R307-250-~~  
21 ~~11(e).~~

22 ~~\_\_\_\_\_ (d) Deduction of Allowances.~~

23 ~~\_\_\_\_\_ (i) WEB Sources Monitoring According to R307-250-9(1)(a).~~  
24 ~~To]the extent consistent with R307-250-11, allowances shall be~~  
25 ~~deducted for a WEB source for compliance with the allowance~~  
26 ~~limitation as directed by the WEB source's account representative.~~  
27 ~~Deduction of any other allowances as necessary for compliance with~~  
28 ~~the allowance limitation shall be on a first-in, first-out~~  
29 ~~accounting basis in the order of the date and time of their~~  
30 ~~recording in the WEB source's compliance account, beginning with~~  
31 ~~the allowances allocated to the WEB source and continuing with the~~  
32 ~~allowances transferred to the WEB source's compliance account from~~  
33 ~~another compliance account or general account. The allowances~~  
34 ~~held in a special reserve compliance account pursuant to R307-250-~~  
35 ~~9(1)(b) shall be deducted as specified in paragraph (c)(i) above. [~~

36 ~~\_\_\_\_\_ (ii) WEB Sources Monitoring According to R307-250-9(1)(b).~~  
37 ~~The total emissions recorded in the emissions tracking database~~  
38 ~~shall be compared to the allowances held in the source's special~~  
39 ~~reserve compliance account as of the allowance transfer deadline~~  
40 ~~of the current control period. If the emissions are less than or~~  
41 ~~equal to the number of allowances, the allowances shall be~~  
42 ~~retired.]~~

43 (2) Certification of Compliance.

44 (a) For each control period in which a WEB source is subject  
45 to the allowance limitation, the account representative of the  
46 source shall submit to the executive secretary a compliance  
47 certification report for the source.

48 (b) The compliance certification report shall be submitted  
49 no later than the allowance transfer deadline of each control  
50 period, and shall contain the following:

51 (i) identification of each WEB source;

52 (ii) at the account representative's option, the serial  
53 numbers of the allowances that are to be deducted from a source's

1 compliance account or special reserve compliance account for  
2 compliance with the allowance limitation; and

3 (iii) the compliance certification report according to (c)  
4 below.

5 (c) In the compliance certification report, the account  
6 representative shall certify, based on reasonable inquiry of those  
7 persons with primary responsibility for operating the WEB source  
8 in compliance with the WEB Trading Program, whether the WEB source  
9 for which the compliance certification is submitted was operated  
10 in compliance with the requirements of the WEB Trading Program  
11 applicable to the source during the control period covered by the  
12 report, including:

13 (i) whether the WEB source operated in compliance with the  
14 sulfur dioxide allowance limitation;

15 (ii) whether sulfur dioxide emissions data was submitted to  
16 the executive secretary in accordance with R307-250-9(8) and other  
17 applicable requirements for review, revision as necessary, and  
18 finalization;

19 (iii) whether the monitoring plan for the WEB source has  
20 been maintained to reflect the actual operation and monitoring of  
21 the source, and contains all information necessary to attribute  
22 sulfur dioxide emissions to the source, in accordance with R307-  
23 250-9(2[+]);

24 (iv) whether all the sulfur dioxide emissions from the WEB  
25 source if applicable, were monitored or accounted for either  
26 through the applicable monitoring or through application of the  
27 appropriate missing data procedures;

28 (v) if applicable, whether any sulfur dioxide emitting unit  
29 for which the WEB source is not required to monitor in accordance  
30 with R307-250-9(1)(a)(iii) of this rule remained permanently  
31 retired and had no emissions for the entire applicable period; and

32 (vi) whether there were any changes in the method of  
33 operating or monitoring the WEB source that required monitor  
34 recertification. If there were any such changes, the report must  
35 specify the nature, reason, and date of the change, the method to  
36 determine compliance status subsequent to the change, and  
37 specifically, the method to determine sulfur dioxide emissions.

38 (3) Penalties for Any WEB Source Exceeding Its Allowance  
39 Limitations.

40 (a) Allowance Deduction Penalty~~ies~~.

41 (i) An allowance deduction penalty will be assessed equal to  
42 ~~[two]~~three times the number of the WEB source's tons of sulfur  
43 dioxide emissions in excess of its allowance limitation for a  
44 control period, determined in accordance with R307-250-12(1).  
45 Allowances allocated for the following control period in the  
46 amount of the allowance deduction penalty will be deducted from  
47 the source's compliance account. If the compliance account does  
48 not have sufficient allowances allocated for that control period,  
49 the required number of allowances will be deducted from the WEB  
50 source's compliance account regardless of the control period for  
51 which they were allocated, once allowances are recorded in the  
52 account.

53 (ii) Any allowance deduction required under R307-250-12(1)(c)

shall not affect the liability of the owners and operators of the WEB source for any fine, penalty or assessment or their obligation to comply with any other remedy, for the same violation, as ordered under the Clean Air Act, implementing regulations or Utah Code 19-2. Accordingly, a violation can be assessed each day of the control period for each ton of sulfur dioxide emissions in excess of its allowance limitation, or for each other violation of R307-250. [

~~(b) Financial penalties. The penalty sought for emissions of sulfur dioxide by a source in excess of its emission limitation for a control period shall be \$5,000 per ton.]~~

(4) Liability.

(a) WEB Source liability for non-compliance. Separate and regardless of any allowance deduction penalty ~~[or financial penalty]~~, a WEB source that violates any requirement of this Rule is subject to civil and criminal penalties under Utah Code 19-2. Each day of the control period is a separate violation, and each ton of sulfur dioxide emissions in excess of a source's allowance limitation is a separate violation.

(b) General Liability.

(i) Any provision of the WEB Trading Program that applies to a source or an account representative shall apply also to the owners and operators of such source.

(ii) Any person who violates any requirement or prohibition of the WEB Trading Program will be subject to enforcement pursuant to Utah Code 19-2.

(iii) Any person who knowingly makes a false material statement in any record, submission, or report under this WEB Trading Program shall be subject to criminal enforcement pursuant to the Utah Code.

**R307-250-13. Special Penalty Provisions for the 2018 Milestone.**

(1) If the WEB Trading Program is triggered as outlined in SIP Section XX.E.1, and the first control period will not occur until after the year 2018, the following provisions shall apply for the 2018 emissions year.

(a) All WEB sources shall register, and shall open a compliance account within 180 days after the program trigger date, in accordance with R307-250-6(1) and R307-250-8.

(b) The TSA will record the allowances for the 2018 control period for each WEB source in the source's compliance account once the executive secretary allocates the 2018 allowances under SIP Section XX.E.3.a and XX.E.4.

(c) The allowance transfer deadline is midnight Pacific Standard Time on May 31~~[0]~~, 2021 (or if this date is not a business day, midnight of the first business day thereafter). WEB sources may transfer allowances as provided in R307-250-10(1) until the allowance transfer deadline.

(d) A WEB source must hold allowances allocated for 2018, including those transferred into the compliance account or a special reserve account by an allowance transfer correctly submitted by the allowance transfer deadline, in an amount not less than the WEB source's total sulfur dioxide emissions for

2018. Emissions will be determined using the pre-trigger monitoring provisions in SIP Section XX.E.2, and R307-150

(e) In accordance with R307-250-11(4) and (d) above, the executive secretary will seek a minimum~~[An allowance deduction penalty and]~~ financial penalty of \$5,000 per ton of sulfur dioxide emissions in excess of the WEB source's allowance limitation.  
~~[shall be assessed and levied in accordance with R307-250-11(4), R307-250-12(1)(d) and R307-250-12(3), except that sulfur dioxide emissions shall be determined under R307-250-13(1)(d).]~~

(i) Any source may resolve its excess emissions violation by agreeing to a streamline settlement approach where the source pays a penalty of \$5,000 per ton or partial ton of excess emissions, and payment is received within 90 calendar days after the issuance of a notice of violation.

(ii) Any source that does not resolve its excess emissions violation in accordance with the streamlined settlement approach in (i) above will be subject to enforcement action in which the executive secretary will seek a financial penalty for the excess emissions based on the statutory maximum civil penalties.

(f) Each ton of sulfur dioxide emissions in excess of a source's allowance limitation is a separate violation and each day of a control period is a separate violation.

(2) The provisions in R307-250-13 shall continue to apply for each year after the 2018 emission year until:

(a) the first control period under the WEB trading program;  
or

(b) the executive secretary determines, in accordance with SIP Section XX.E.1.c(10), that the 2018 sulfur dioxide milestone has been met.

(3) If the special penalty provisions continue after the year 2018 as outlined in (2) above, the deadlines listed in (1)(b[a]) through (e[d]) above will be adjusted as follows:

(i) for the 2019 control period the dates will be adjusted forward by one year, except that the allowance transfer deadline shall be midnight Pacific Standard Time on May 31, 2021 (or if this date is not a business day, midnight of the first business day thereafter); and

(ii) for each [additional year] control period after 2018 that the special penalty provisions are assessed, the dates in (i) above for the 2019 control period will be adjusted forward by one year.

(4) The TSA will record the same number of allowances for each WEB source as were recorded for the 2018 control period for each subsequent control period.

#### **R307-250-14. Integration into Permits.**

(1) Initial Permitting. Each source that is a WEB source on or before the program trigger date shall follow the procedures outlined in R307-415 to incorporate all of the applicable requirements of this rule into the permit issued to it under R307-415.

(2) Post Trigger Permitting.

(a) New WEB Source. Any existing source that becomes a WEB

1 source after the program trigger date shall submit a Notice of  
2 Intent pursuant to R307-401 to incorporate all of the requirements  
3 of this rule into an approval order issued under R307-401 within  
4 90 days of the date the source became a WEB source, and shall  
5 follow the procedures of R307-415 to obtain an operating permit.

6 (b) WEB Sources No Longer Subject to Permitting Under R307-  
7 415. If a WEB source's permit issued under R307-415 ceases to be  
8 effective or required, the WEB source must submit a Notice of  
9 Intent pursuant to R307-401 to incorporate all of the requirements  
10 of this rule into an approval order issued under R307-401 within  
11 90 days of the date the permit issued under R307-415 ceased to be  
12 effective or required.

13  
14 **KEY: air pollution, sulfur dioxide, market trading program**

15 **Date of Enactment or Last Substantive Amendment:** [~~December 31,~~  
16 ~~2003~~]2008

17 **Notice of Continuation:** February 8, 2008

18 **Authorizing, and Implemented or Interpreted Law:** 19-2-104(1)(a);  
19 19-2-104(3)(e)  
20  
21